

Medical appliances are items which are intended by their manufacturer for use in directly substituting for a malfunctioning body part. 86 Ill. Adm. Code 130.310(c)(2). (This is a GIL.)

February 1, 2001

Dear Xxxxx:

This letter is in response to your letter dated January 22, 2001. The nature of your letter and the information you have provided require that we respond with a General Information Letter, which is designed to provide general information, is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120(b) and (c), which can be found on the Department's Web site at <http://www.revenue.state.il.us/legalinformation/regs/part1200>.

In your letter, you have stated and made inquiry as follows:

In response to your letter dated January 5, 2001, please find enclosed the following requested information (page 3):

- Scooter Operators Manual
- Wheelchair Platform Lift Brochure

I trust that this information will enable you to render an opinion on the matter previously written to you. Thank you very much for your help and consideration on this matter. If you need anything else, please feel free to contact me.

In your letter you inquired as to the taxable status concerning Scooters and Wheelchair Platform Lifts. Although the character of such products is clear from the information provided, the taxable status of such items depend heavily on the manner in which the scooter and platform lift are used. 86 Ill. Adm. Code 130.310(c)(2) states that a medical appliance is an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body.

As to the specific devices you wish to seek clarification, wheelchair platform lifts, stairway wheelchair lifts, and vertical chairlifts are devices which, while used to assist a person with physical disabilities, do not directly substitute for a malfunctioning part of the body. Such items do not fall within the definition of medical appliances and are, therefore, taxed at the state rate of 6.25%.

With regards to the electrical scooters you mention, Illinois Department of Revenue rules include wheelchairs as medical appliances eligible for the lower sales tax rate, which has been interpreted to also include electrical wheelchairs. See, Section 130.310(c)(2). Generally, the lower sales tax rate is not applicable to power operated vehicles. A determination of whether or not an electric scooter qualifies for the lower rate would depend on specific factual information as to how such item is used and by whom. Such determination cannot be made within the context of a General Information Letter.

I hope this information is helpful. The Department of Revenue maintains a Web site, which can be accessed at www.revenue.state.il.us. If you have further questions related to the Illinois sales tax laws, please contact the Department's Taxpayer Information Division at (217) 782-3336.

If you are not under audit and you wish to obtain a binding Private Letter Ruling regarding your factual situation, please submit all of the information set out in items 1 through 8 of Section 1200.110(b).

Very truly yours,

Shane McCreery

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SM:JTG:msk